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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 KIMBERLY KLEIN,

7 Plaintiff,

8 v.

9 MICHAEL J. ASTRUE, Commissioner of
10 Social Security,

11 Defendant.

Case No. 3:12-cv-05138-RBL-KLS

REPORT AND RECOMMENDATION TO
DENY APPLICATION TO PROCEED *IN*
FORMA PAUPERIS

Noted for March 16, 2012

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13 This case has been referred to Magistrate Judge Karen L. Strombom pursuant to 28
14 U.S.C. § 636(b)(1) and Local Rule MJR 3 and 4. This matter comes before the Court on
15 plaintiff's filing of an application to proceed *in forma pauperis* and a complaint to review and set
16 aside a decision of the Social Security Administration under 42 U.S.C. § 405(g). Because
17 plaintiff's application indicates she has sufficient income with which to pay the \$350.00 filing
18 fee, the undersigned recommends that the court deny the application.
19

20 DISCUSSION

21 The district court may permit indigent litigants to proceed *in forma pauperis* upon
22 completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the Court has
23 broad discretion in denying an application to proceed *in forma pauperis*. Weller v. Dickson, 314
24 F.2d 598 (9th Cir. 1963), cert. denied, 375 U.S. 845 (1963).
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26 By requesting the court to proceed *in forma pauperis*, plaintiff is asking the government
to incur the filing fee because she allegedly is unable to afford the costs necessary to proceed

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1 with her cause of action. In her application, plaintiff reports that she is not presently employed,
2 but that her spouse is, and that he has a total net monthly salary of \$4,000.00. While plaintiff
3 also reports monthly expenses in the amount of \$3,875.00, given the level of her total household
4 income, the undersigned finds it is not unreasonable to expect her to pay the required filing fee.

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6 CONCLUSION

7 Because it is reasonable for plaintiff to incur the costs to proceed with this cause of
8 action, the undersigned recommends that the court deny her application to proceed *in forma*
9 *pauperis*. Accordingly, the undersigned also recommends that the Court order plaintiff to pay
10 the required filing fee **within thirty (30) days** of the Court's order.

11 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedures ("Fed. R.
12 Civ. P.") 72(b), the parties shall have **fourteen (14) days** from service of this Report and
13 Recommendation to file written objections thereto. See also Fed.R.Civ.P. 6. Failure to file
14 objections will result in a waiver of those objections for purposes of appeal. Thomas v. Arn, 474
15 U.S. 140 (1985). Accommodating the time limit imposed by Fed. R. Civ. P. 72(b), the Clerk is
16 directed set this matter for consideration on **March 16, 2012**, as noted in the caption.
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18 DATED this 1st day of March, 2012.
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22 Karen L. Strombom
23 United States Magistrate Judge
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